

1 issued a birth certificate?

2 A. Do I know if someone was issued a birth
3 certificate by a midwife?

4 Q. No, let me ask the question again. Do you
5 know if a person who is born by a midwife receives a
6 birth certificate?

7 MR. KEISTER: Objection; form. Vague.
8 Calls for a legal opinion.

9 A. I know there have been some amended birth
10 certificates by midwives.

11 Q. (By Mr. Gear) So do midwives issue birth
12 certificates, if you know?

13 A. They do.

14 Q. And do you know if midwives issued those
15 certificates in every case of an individual being born
16 by a midwife?

17 MR. KEISTER: Objection; form. Calls for
18 speculation.

19 A. I doubt that. I doubt that because there are
20 many missing birth certificates back from the days.

21 Q. (By Mr. Gear) When you say there are many
22 missing birth certificates back from the days, what do
23 you mean?

24 A. Births of people that were born by midwives
25 that we do not have recorded birth certificates for.

1 Everything that I get recorded. And we have records
2 back to the 1800s.

3 Q. And not going quite that far, but do you know
4 what process an individual would have to go through to
5 receive a birth certificate by the county if they were
6 born by a midwife?

7 A. Well, that's no longer a county issue. That's
8 a state issue. They have to go through Austin to get
9 something issued.

10 Q. Do you know if that process requires a fee?

11 A. Requires a what?

12 Q. If there is a cost to obtain a birth
13 certificate through that process.

14 MR. KEISTER: Objection; form, vague.

15 A. I'm pretty sure there is a cost, but I'm not
16 sure what process they have to go through. But at this
17 point, the county cannot issue anything.

18 Everything that has not been recorded at
19 the county level then has to come through a state level.

20 Q. (By Mr. Gear) Do you know the percentage of
21 minorities in Jefferson County that lack transportation?

22 A. No, sir, I don't.

23 Q. Would you agree that there are minority voters
24 in Jefferson County that lack transportation? And I'm
25 talking about personal vehicles.

1 MR. KEISTER: Objection; form.

2 Q. (By Mr. Gear) Motorcycle.

3 MR. KEISTER: Sorry. Objection; vague,
4 calls for speculation.

5 A. Yes, sir, I would agree.

6 Q. (By Mr. Gear) Would you agree if a person
7 prefers to vote at a polling place, that is their right?

8 MR. KEISTER: Objection; form.

9 A. Yes, sir, I would agree.

10 Q. (By Mr. Gear) Regarding the property tax
11 statement, just a point of clarification, would a
12 property tax statement be sent to a renter in Jefferson
13 County?

14 A. To a who?

15 Q. A renter. A person that rents an apartment.

16 A. No, it would not be.

17 Q. Do you have any knowledge of the percentage of
18 minorities in Jefferson County that do not own homes?

19 A. No, I don't have a percentage.

20 Q. Do you have an idea of the rental market in
21 Jefferson County and -- do you have an idea of the
22 rental market in Jefferson County?

23 MR. KEISTER: Objection; form, vague.

24 A. No, I don't.

25 Q. (By Mr. Gear) Do you know if there is a --

1 how would you describe the minority voters as -- in
2 terms of renting in Jefferson County, do you know if
3 that's a significant number? How would you describe
4 that?

5 MR. KEISTER: Objection; form, vague.

6 A. I'm sure it's a large number that's registered
7 voters.

8 Q. (By Mr. Gear) So if I understood your
9 testimony, you are sure that there's a large number of
10 registered minority voters that do not -- that rent in
11 Jefferson County?

12 A. That is correct.

13 Q. And is it fair to say that they would not have
14 received a property tax statement and the notice that
15 was sent out by the county?

16 A. That is correct, sir.

17 MR. GEAR: I don't think I have any
18 further questions.

19 FURTHER EXAMINATION

20 BY MS. SIMSON:

21 Q. I have a few quick questions. Is it possible
22 that if a voter shows up at the polls and is offered a
23 provisional ballot because they lack identification,
24 that the voter may decline to cast a provisional ballot
25 because they don't think they can make it back to the

1 voter registrar's office in six days?

2 A. Yes.

3 Q. So it's possible that a voter would show up
4 without an ID, and there wouldn't be a record of that?

5 A. That's true.

6 Q. On voting by mail, how far in advance of an
7 election does a voter have to submit a ballot?

8 A. An application or a ballot?

9 Q. The ballot itself.

10 A. To return it?

11 Q. Yes.

12 A. They have until election day.

13 Q. They can postmark it?

14 A. No, we have to receive it on the election day.

15 We go to the post office all the way to the post office
16 close time.

17 Q. They have to put it in the mail at least a few
18 days in?

19 A. Or send it by carrier and have it delivered to
20 our office at least by 5:00 p.m.

21 Q. Okay. And does that mean if you vote by mail,
22 you may have to vote before a campaign finishes on
23 election day? I can rephrase that question.

24 A. Yeah, okay.

25 Q. If you have to put it in the mail a couple of

1 days in advance, does that mean a voter who votes by
2 mail may not be able to wait until a campaign is done
3 or, you know, until election day to decide who they want
4 to vote for?

5 A. Until election day?

6 Q. Correct.

7 A. Unless they send it by a private carrier, I
8 mean, you can have somebody to -- a carrier to deliver
9 it that same day's delivery.

10 Q. Okay. And are there people over the age of 65
11 that you know prefer to vote in person instead of by
12 mail?

13 A. Absolutely. We have some people that will not
14 vote early, and they insist on going on election day to
15 cast their ballot.

16 Q. And why do you think that is?

17 A. Just the way they have always been. It's just
18 their belief. They want to cast that ballot on election
19 day at their polling location.

20 Q. And does the county clerk's -- I believe your
21 testimony earlier was that the county clerk's office
22 does not have the authority to issue any S.B. 14
23 approved IDs; is that correct?

24 A. No, we do not.

25 Q. And so would you expect a person to contact

1 your office if they needed a driver's license, a
2 personal ID, or an EIC?

3 A. No, I would not.

4 Q. Okay. Earlier, you talked with Mr. Keister
5 about individuals who had shown up to the polls to vote,
6 but they cast their ballots by mail earlier.

7 A. Right.

8 Q. Would S.B. 14 have prevented any of those
9 individuals from casting an illegal ballot?

10 A. No. I mean, that happens all the time.

11 Q. And it was your system that looked them up and
12 found that they had cast earlier ballots that stopped
13 them from voting?

14 A. Right.

15 Q. Did you -- you mentioned two individuals who
16 cast provisional ballots in March 2014 because of
17 expired IDs. Did either of those individuals contact
18 your office to complain?

19 A. No, they did not.

20 Q. Before S.B. 14, what were generally the ID
21 requirements to vote?

22 A. Your voter registration, any form of an ID
23 issued from DPS, your student ID. You could have used a
24 utility bill, you know. We had about nine or ten
25 different forms of ID that you could have used.

1 Q. And based on your experience as a county clerk
2 administering elections, did you think those
3 requirements were sufficient to secure the voting
4 requirements?

5 A. They were sufficient.

6 MS. SIMSON: And I think that's all my
7 questions. Thanks again.

8 FURTHER EXAMINATION

9 BY MR. KEISTER:

10 Q. Ms. Guidry, did any of your poll workers
11 report to you that there were voters showing up and
12 turning down those provisional ballots because they
13 didn't have an ID?

14 A. No.

15 Q. Okay. During any of the five elections that's
16 occurred, have any of your poll workers reported to you
17 during any of those elections people were showing up and
18 refusing a provisional ballot when they did not have an
19 ID?

20 A. No.

21 Q. Okay. With respect to voting by mail and
22 having to -- or possibly having to complete your vote
23 before the campaigns had ended, isn't that scenario also
24 true with early voting, if people chose to vote early,
25 they vote prior to the end of the campaign?

1 A. Yes.

2 Q. And isn't it true that it's simply a matter of
3 convenience for some people to make that choice to vote
4 early?

5 A. Yes.

6 Q. Or to have the -- everybody can vote early;
7 correct?

8 A. Right.

9 Q. But only a limited number of people can vote
10 by mail; correct?

11 A. Right.

12 Q. But those people who vote by mail also can
13 make that -- have the opportunity to make that
14 determination if they want to do it by mail, or get the
15 ID and vote in person; correct?

16 A. Right.

17 Q. Okay. With respect to tracking persons who do
18 not go to the polls to vote because they do not have an
19 acceptable form of S.B. 14 ID, is there any possible way
20 the county or anyone else could track information like
21 that? And I'm referring to the question Mr. Gear asked
22 you a few minutes ago.

23 A. No, not other than making a list if they were
24 there.

25 Q. Right. And, I mean, wouldn't that be the same

1 as saying does the county track the number of people who
2 don't go to the polls and vote because they decided they
3 wanted to go fishing? Wouldn't that be about the same
4 type of analysis?

5 A. I guess so.

6 Q. Okay. If people don't vote, or don't go to
7 the poll, you can't -- or anybody else can't say why
8 they didn't go; correct?

9 A. Right.

10 Q. Other than asking that person specifically,
11 "Why didn't you go vote"; correct?

12 A. Right.

13 MS. SIMSON: Okay. Thank you.

14 (Guidry Deposition Exhibit No. 2 was
15 marked and is made a part of this deposition.)
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PAGE	LINE	CHANGE	REASON
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1 I, CAROLYN GUIDRY, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.
4
5
6

7 _____
8 CAROLYN GUIDRY

9 THE STATE OF _____)
10 COUNTY OF _____)

11 Before me, _____, on
12 this day personally appeared CAROLYN GUIDRY, known to me
13 or proved to me under oath or through _____
14 (description of identity card or other document) to be
15 the person whose name is subscribed to the foregoing
instrument and acknowledged to me that they executed the
same for the purposes and consideration therein
expressed.

16 Given under my hand and seal of office
17 this _____ day of _____, 2014.
18

19 _____
20 NOTARY PUBLIC IN AND FOR
21 THE STATE OF _____
22
23
24
25

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 CORPUS CHRISTI DIVISION

3 MARC VEASEY, JANE HAMILTON,)
4 SERGIO DELEON, FLOYD J. CARRIER,))
5 ANNA BURNS, MICHAEL MONTEZ,)
6 PENNY POPE, OSCAR ORTIZ, KOBY)
7 OZIAS, JOHN MELLOR-CRUMMEY,)
8 JANE DOE, JOHN DOE, LEAGUE OF) CIVIL ACTION NO.
9 UNITED LATIN AMERICAN CITIZENS) 2:13-CV-193 (NGR)
10 (LULAC), AND DALLAS COUNTY,) (lead case)
11 TEXAS)

12 VS.)
13)

14 RICK PERRY, Governor of Texas,)
15 and JOHN STEEN, Texas Secretary)
16 of State)

17)
18 UNITED STATES OF AMERICA,)

19 V.)
20)

21 STATE OF TEXAS, JOHN STEEN, in) CIVIL ACTION NO.
22 his official capacity as Texas) 2:13-CV-263 (NGR)
23 Secretary of State, and STEVE) (consolidated case)
24 MCCRAW, in his official capacity)
25 as Director of the Texas)
26 Department of Public Safety,)

27)
28 TEXAS STATE CONFERENCE OF NACCP)
29 BRANCHES, AND THE MEXICAN)
30 AMERICAN LEGISLATIVE CAUCUS OF)
31 THE TEXAS HOUSE OF)
32 REPRESENTATIVES,)

33 V.) CIVIL ACTION NO.
34) 2:13-CV-291 (NGR)
35 JOHN STEEN, in his official) (consolidated case)
36 capacity as Texas Secretary of)
37 State, and STEVE MCCRAW, in his)
38 official capacity as Director of)
39 the Texas Department of Public)
40 Safety)

1 REPORTER'S CERTIFICATION
2 DEPOSITION OF CAROLYN GUIDRY
3 JULY 24, 2014

4 I, Cynthia C. Miller, a Certified Shorthand
5 Reporter in and for the State of Texas, do hereby
6 certify that the facts as stated by me in the caption
7 hereto are true, that the above and foregoing answers of
8 the witness, CAROLYN GUIDRY, to the questions as
9 indicated were made before me by the said witness after
10 being first duly sworn to testify to the truth, and same
11 were reduced to writing under my direction; that the
12 above and foregoing deposition as set forth in writing
13 is a full, true and correct transcript of the
14 proceedings had at the time of taking said deposition;
15 that as requested the deposition was made available for
16 the witness to read and sign.

17 I further certify that I am not, in any
18 capacity, a regular employee of the party in whose
19 behalf this deposition is taken, nor in the regular
20 employ of their attorney, and that I am not interested
21 in the cause, nor of kin or counsel to either of the
22 parties.
23
24
25

1 GIVEN under my hand and seal of office on this,
2 the 8th day of August, A. D. 2014.

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CYNTHIA C. MILLER, Texas CSR 8065
Certification Expiration 12/31/2014
Firm Registration No. 378
P.O. Box 169
Tomball, Texas 77377
281.376.9303